

Serial No. 10/764,678

Docket No. GTW-0138 (P1263US01)**REMARKS**

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1, 3 through 17, and 19 through 21 remain in this application. Claims 2 and 18 have been cancelled. No claims have been withdrawn. Claims 22 through 26 have been added.

In the final Office Action of April 20, 2007, claims 1, 3 through 17 and 19 through 21 are rejected under 35 U.S.C. §103(a) in view of U.S. Patent 6,025,837 (Matthews) and further in view of U.S. Patent 5,940,073 (Klosterman).

Claim 1 requires, in part, "wherein the graphic element overlays the broadcast streaming video". Claims 7 requires "generating a display, wherein the display includes a control related to programming at least one channel, the display further including broadcast streaming video from a second channel different than said at least one channel, the control for the at least one channel overlying the broadcast streaming video of the second channel" (emphasis added). Claim 13 requires "means for providing at least one prompt in the display, the prompt corresponding with said at least one function related to the at least one channel, the at least one prompt for the at least one channel overlying the broadcast streaming video of the second channel" (emphasis added). Claim 17 requires "generating a video output" and "generating a display including information related to at least one channel wherein the display includes at least one prompt, the at least one prompt being displayed over the video output".

As conceded in the rejection, the Matthews patent does not disclose that "the display includes an on-screen display that combines a graphic element comprising the control with a broadcast streaming video from a second channel". Thus, the Matthews patent does not

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disclose any relationship between "a graphical element" and a "broadcast streaming video". Further, the Klosterman patent shows window 688 isolated and distinct from the rest of the displayed matter, and there is no overlay of a graphic element on a broadcast streaming video.

Accordingly, Matthews and Klosterman, either taken singly or in hypothetical combination, do not teach or suggest the features of the claimed invention. Therefore, withdrawal of the pending rejection is respectfully requested.

### CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571) 748-4765 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

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By



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